

# PATENT COOPERATION TREATY

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JUN 02 2003

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## NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

BST&Z

Date of Mailing  
(day/month/year)

**28 MAY 2003**

JUN 02 2003

LA F/E DEPT

Applicant's or agent's file reference

5543.P006PCT

### IMPORTANT NOTIFICATION

International application No.

PCT/US01/13620

International filing date (day/month/year)

27 APRIL 2001

Priority Date (day/month/year)

28 APRIL 2000

Applicant

CENUS TECHNOLOGIES, INC.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US

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## PATENT COOPERATION TREATY

## PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

|  |  |   |
|--|--|---|
| Applicant's or agent's file reference<br>5543.P006PCT  | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) |   |
| International application No.<br>PCT/US01/13620  | International filing date (day/month/year)<br>27 APRIL 2001  | Priority date (day/month/year)<br>28 APRIL 2000 |
| International Patent Classification (IPC) or national classification and IPC<br>IPC(7): H04L 29/12, 06 and US Cl.: 70710; 709/217, 218 |  |   |
| Applicant<br>CENUS TECHNOLOGIES, INC.  |  |   |

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 3 sheets.
- ☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of      sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

|  |   |
|--|---|
| Date of submission of the demand<br><br>27 NOVEMBER 2001   | Date of completion of this report<br><br>13 MAY 2003  |
| Name and mailing address of the IPEA/US<br>Commissioner of Patents and Trademarks<br>Box PCT<br>Washington, D.C. 20231<br>Facsimile No. (703) 305-3230 | Authorized officer<br><u>for</u><br>FRANTZ COB <u>James R. Matthews</u><br>Telephone No. (703) 305-4006 |

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/13620

**I. Basis of the report**

1. With regard to the elements of the international application:\*

- ☒ the international application as originally filed
- ☒ the description:  
pages 1-25 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
pages 26-27 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, as amended (together with any statement) under Article 19  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the drawings:  
pages 1-5 \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the sequence listing part of the description:  
pages NONE \_\_\_\_\_, as originally filed  
pages NONE \_\_\_\_\_, filed with the demand  
pages NONE \_\_\_\_\_, filed with the letter of \_\_\_\_\_

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.  
These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE \_\_\_\_\_
- ☒ the claims, Nos. NONE \_\_\_\_\_
- ☒ the drawings, sheets/fig NONE \_\_\_\_\_

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\*Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US01/13620

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. statement**

|                               |        |                  |     |
|-------------------------------|--------|------------------|-----|
| Novelty (N)                   | Claims | <u>12-14</u>     | YES |
|                               | Claims | <u>1-7, 8-11</u> | NO  |
| Inventive Step (IS)           | Claims | <u>NONE</u>      | YES |
|                               | Claims | <u>1-14</u>      | NO  |
| Industrial Applicability (IA) | Claims | <u>1-14</u>      | YES |
|                               | Claims | <u>NONE</u>      | NO  |

**2. citations and explanations (Rule 70.7)**

Claims 1-7, 8, 9-11 lack novelty under PCT Article 33(2) as being anticipated by Kavak Nail et al. WO 98 57275 A.

As per claims 1-7 and 9-11, Kavak Nail discloses the invention including "receiving a request for an information object at an address identified by a uniform resources locator (URL); and mapping the URL to a corresponding anycast address for the information object (Abstract; page 4, line 27-page 9, line 9).

As per claim 8, most of the limitations of this claim have been noted in the rejection of claims 1-7. In addition, Kavak Nail discloses advertise anycast address using a network layer anycast address (page 5, lines 10-14).

Claims 12-14 lack an inventive step under PCT Article 33(3) as being obvious over Kavak Nail WO 98 57275 in view of Balter James et al. WO 99 40514 A.

As per claims 12-14, most of the limitations of these claims have been noted in the rejection of claims 1-7 and 9-11. It is noted, however, Kavak Nail et al. fail to show a web router, configured to select the information object repository, configured to select the selected information object repository; wherein the performance metrics comprise one or more of average delay from the selected information object repository. However, Balter James et al. achieved the claimed limitations (See Balter James et al. Abstract, page 4, line 8-page 5, line 6; page 7, line 24-page 8, line 18; page 14, line 1-page 15, line 4; page 18, line 4-page 19, line 12. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the system of Kavak Nail by incorporating the teachings of Balter James. The motivation being to have enhanced the versatility of Kavak Nail's system by utilizing information about the load and the network topology of the servers more efficiently.

\_\_\_\_ NEW CITATIONS \_\_\_\_\_  
NONE